

ORDINANCE NUMBER 22-__

**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON
TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO
THE UNIFIED DEVELOPMENT ORDINANCE**

“Osborne Trails PUD – Amendment V”

This is an Ordinance (to be known as the "**Osborne Trails PUD - Amendment V**") to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "UDO"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the UDO;

WHEREAS, the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") enacted Ordinance No. 16-44 (the "Osborne Trails PUD Ordinance"), on February 27, 2017, and amended by (i) Ordinance 17-21, enacted by the City Council on August 14, 2017, and (ii) Ordinance 20-29, enacted by the City Council on October 12, 2020, and (iii) Ordinance 21-23, enacted by the City Council on May 24, 2021, and (iv) Ordinance 21-60, enacted by the City Council on January 24, 2022 (collectively, the "Osborne Trials PUD");

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 22__-PUD-__**), requesting an amendment to the UDO and the Osborne Trails PUD with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. 22__-PUD-__** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a **recommendation** (- vote) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on , 2022; and

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the UDO and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the Osborne Trials PUD, and (iii) the provisions of the UDO, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance or the Osborne Trails PUD.
- 1.2 Chapter (“*Chapter*”) and Article (“*Article*”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the UDO.
- 1.3 All provisions and representations of the UDO that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.
- 1.4 Notwithstanding the above provisions of this Section, the Real Estate may be developed in conformance with this Osborne Trails PUD Amendment V or in compliance with the Osborne Trials PUD.

Section 2. Concept Plan. The Concept Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with Article 10.9(F) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan.

- 2.1 The Real Estate shall be developed in substantial compliance with the street network and open space configuration illustrated on the Concept Plan.

Section 3. Underlying Zoning District. The Underlying Zoning District shall be the SF4 Residential District.

Section 4. Permitted Uses. The permitted uses shall be all uses permitted in the Underlying Zoning District, as set forth in Chapter 4 and Chapter 13 of the UDO, shall be as set forth below.

- 4.1 All uses permitted in the Underlying Zoning District, as set forth in Chapter 4 and Chapter 13 of the UDO, shall be permitted.
- 4.2 Special Exceptions and Prohibited Uses of the Underlying Zoning District shall be prohibited.
- 4.3 The total number of Dwellings permitted on the Real Estate shall not exceed one-hundred and thirty (130) Single-family Dwellings.
- 4.4 The Developer shall comply with all requirements of 24 CFR part 100, subpart E and The Housing for Older Persons Act of 1995 (Pub.L. 104-76, 109 Stat. 787, approved December 28, 1995) (“HOPA”), as they may be amended, to qualify the Dwellings as “housing intended and operated for occupancy by persons 55 years of age or older”, as such phrase is defined in Section 2 of HOPA, in order to exempt

Developer and future owners of the Dwellings from The Fair Housing Act's (Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601-3619) (the "Act") prohibition against discrimination because of familial status.

- 4.5 The development of Single-family Dwellings is intended to provide housing primarily for persons 55 years of age or older. The Real Estate shall be operated as an age restricted community in compliance with all applicable state and federal laws. The provisions of this Section 4.5 shall be enforced by the Association by an action in law or in equity, including, without limitation, an injunction requiring specific performance hereunder. No person under 19 years of age shall stay overnight in any Dwelling Unit for more than ninety (90) days in any consecutive twelve (12) month period. Each Dwelling Unit, if occupied, shall be occupied by at least one (1) individual 55 years of age or older; provided, however, that once a Dwelling Unit is occupied by an Age-Qualified Occupant, other Qualified Residents as the same is defined by HOPA of that Dwelling Unit may continue to occupy the Dwelling Unit, regardless of the termination of the Age-Qualified Occupant's occupancy. Notwithstanding the above, at all times, at least eighty percent (80%) of the Dwelling Units within the Real Estate shall be occupied by at least one (1) individual 55 years of age or older. An "Association" (established by the Owner of the Real Estate) shall establish, and may amend or revise, policies and procedures, from time to time, as necessary to maintain its status as an age restricted community under state or federal law.

Section 5. General Regulations. The standards of Chapter 4: Zoning Districts, as applicable to the Underlying Zoning District, shall apply to the development of the District, except as otherwise modified below.

- 5.1 Article 4.7 shall apply to the Real Estate except as modified below:

A.	Minimum Lot Area	5,850 square feet
B.	Minimum Lot Frontage	35'
C.	Minimum Building Setback Lines	
	i. Front Yard	21'
	ii. Side Yard	5'
	iii. Rear Yard	20'
D.	Minimum Lot Width	45'
E.	Maximum Building Height	2 ½ stories
F.	Minimum Living Area (total):	
	Single-story	1,200 square feet
	Two-story	1,800 square feet

Section 6. Development Standards. The standards of Chapter 6: Development Standards shall apply to the development of the District.

- 6.1 Article 6.3 Architectural Standards: Shall apply to all dwellings, except as

modified below:

- A. Character Exhibit: The Character Exhibit, attached hereto as **Exhibit C**, is hereby incorporated as a compilation of images designed to capture the intended architecture of Dwellings. It is not the intent to limit the architecture shown in the Character Exhibit, but to encourage a diversity in architecture of Dwellings.
- B. Building Materials: Vinyl siding shall be prohibited as an exterior siding material.
- C. Exterior Trim Materials: Wood, fiber cement or equivalent trim shall be used for corners, frieze boards, window wraps, door wraps, and as a transitional material between two different exterior materials, provided, however, trim shall not be required for windows, doors, corners, and the like that are surrounded by Masonry Materials; and provided further, that if windows have shutters, then such windows shall not require a trim wrap. Required trim shall be a minimum of five and one-half inches (5-1/2”) wide.
- D. Windows: All homes shall have a minimum of one (1) window on all four (4) sides of the home, except the garage side of a ranch style home may have no windows provided the other three (3) elevations have a minimum of nine (9) windows total. For the purposes of this calculation, a twin window shall be counted as two (2) windows.
- E. Minimum Overhangs: All homes shall have a minimum of 8” roof overhangs.
- F. Roof Pitches: The minimum roof pitch for the main roof of a home shall be 6/12. Gable, dormer and porch roof pitches may vary to achieve various architectural styles.
- G. Shingles: All homes shall have dimensional or architectural grade shingles.
- H. Garages: All homes must have at least a 2-car attached garage and meet the following requirements:
 - i. For front loading garages, the garage door total width may not exceed fifty percent (50%) of the linear footage of the front elevation of the home.
 - ii. Two (2) dusk-to-dawn coach lights shall be provided on all garages.
 - iii. If a home has a third car garage, the third car bay shall be offset by a minimum of two (2) feet.
 - iv. Garage elevations shall include a variety of design elements to vary the appearance of the garage façade. Design elements include the garage door, garage door windows and/or hardware, garage door

header, roof gable brackets, multiple building materials, gable accent windows and gable decorative louver. All homes shall have decorative garage doors with windows and be painted a color to match the dominant exterior material or a color to accent the dominant exterior material.

I. Side Building Facades with Gable: All Dwellings (i) on Corner Lots (side facing a street) or (ii) with a side lot line abutting a Common Area (side facing the common area) which have a gable end on the side Building Façade shall incorporate a minimum of one of the following elements on the side Building Façade. A variety of the following elements should be used and the incorporated element(s) should be consistent with elements on the front Building Façade:

- i. A masonry material a minimum of thirty-six (36) inches tall;
- ii. A change in the exterior color separated by trim;
- iii. A change in the Exterior Material pattern separated by trim;
- iv. A change in the Exterior Material separated by trim;
- v. A gable end architectural detail (e.g., brackets, louvers, pediment, corbel, decorative window detail created with shutters, etc.)
- vi. A minimum of ten (10) square foot gable window;
- vii. A gable peak with a change in Exterior Material; or
- viii. A projecting chimney running the full height of the side Building Façade constructed with Masonry Material.

6.2 Article 6.8 Landscaping Standards: Shall apply, except as modified or enhanced below.

A. Lot Landscaping: Article 6.8(K) Minimum Lot Landscaping Requirements shall apply except as modified below;

- i. A minimum of ten (10) shrubs will be provided at the foundation of the home in the front yard.
- ii. Front yards must be planted with sod and side and rear yards may be either seeded or sodded. For corner lots, sod must be planted in both “front” yards.

B. External Street Frontage Landscaping Requirements: Article 6.8(M) shall apply except as modified below:

- i. A black “4-board” fence shall be provided along a minimum of sixty-five percent (65%) of the Street Frontage Planting Area of Horton Road and 191st/193rd Street.

- C. Buffer Yard Requirements: Article 6.8(N) shall apply.

Section 7. **Infrastructure Standards.** The District’s infrastructure shall comply with the Unified Development Ordinance and the City’s Construction Standards (see Chapter 7: Subdivision Regulations), unless otherwise approved by the Plan Commission or Department of Public Works in consideration to the preservation of the natural topography and environment and in consideration to the unique design intent of the District.

Section 8. **Design Standards.** The standards of Chapter 8: Design Standards shall apply to the development of the District, except as otherwise modified below.

8.1 Open Space and Amenity Standards: Shall apply except as otherwise modified or enhanced below.

A. Minimum Open Space: Open Space area shall be a minimum of fifteen (15) percent and as generally shown on the Concept Plan.

B. Amenities: The following amenities shall include, but shall not be limited to the following:

i. Passive Amenities: Open space including trails shall be provided for passive recreation opportunities in substantial compliance with the trail locations illustrated on the Concept Plan. The final locations are subject to existing easements and final engineering. If trails are prevented from being installed as shown, then alternative trail locations may be approved by the Director that still provide comparable access and connectivity to the District’s Open Space.

ii. Osborne Trails Amenities: Section 9(B)(ii) of the Osborne Trails PUD established requirements for Active Amenities (the “Osborne Trails Amenities”). The Real Estate shall be subject to any covenants and restrictions applicable to the Osborne Trails Amenities in order to ensure the enjoyment and shared maintenance costs of the Osborne Trails Amenities by the residents of the Real Estate.

Section 9. **Duration.** Failure to obtain Secondary Plat / Construction Plan approval for the District by January 1, 2028 (unless otherwise extended by the Director) shall automatically void this Ordinance.

Section 10. **Severability.** If any term or provision of this ordinance is held to be illegal or unenforceable, the validity or enforceability of the remainder of this ordinance will not be affected.

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ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF
WESTFIELD, HAMILTON COUNTY, INDIANA THIS _____ DAY OF _____, 2022.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For

Voting Against

Abstain

James J. Edwards

James J. Edwards

James J. Edwards

Scott Frei

Scott Frei

Scott Frei

Jake Gilbert

Jake Gilbert

Jake Gilbert

Mike Johns

Mike Johns

Mike Johns

Troy Patton

Troy Patton

Troy Patton

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Scott Willis

Scott Willis

Scott Willis

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

I hereby certify that **ORDINANCE 22-__** was delivered to the Mayor of Westfield
on the _____ day of _____, 2022, at _____ m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE Ordinance 22-__
this _____ day of _____, 2022.

I hereby VETO Ordinance 22-__
this _____ day of _____, 2022.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document,
unless required by law: Jon C. Dobosiewicz

This document prepared by: James E. Shinaver and Jon C. Dobosiewicz; Nelson & Frankenger
550 Congressional Blvd, Suite 210, Carmel, IN 46032 (317) 844-0106

SCHEDULE OF EXHIBITS

Exhibit A	Real Estate (Legal Description)
Exhibit B	Concept Plan
Exhibit C	Single Family Dwelling Character Exhibit

EXHIBIT A
REAL ESTATE

(Page 1 of 2 – Legal Description)

Parcel 1:

Part of the West Half of the Northwest Quarter of Section 26, Township 19 North, Range 3 East, Washington Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 26; thence North 89 degrees 43 minutes 52 seconds East (assumed bearing) 1,323.21 feet along the North line of the said Northwest Quarter to the Northeast corner of the West Half of said Northwest Quarter; thence South 00 degrees 10 minutes 08 seconds West 1,261.54 feet along the East line of said West Half; thence North 89 degrees 49 minutes 52 seconds West 69.25 feet; thence South 01 degrees 49 minutes 40 seconds West 89.90 feet; thence South 89 degrees 45 minutes 23 seconds West 901.59 feet; thence North 62 degrees 57 minutes 15 seconds West 227.55 feet; thence north 89 degrees 49 minutes 24 seconds West 146.95 feet; thence North 00 degrees 10 minutes 36 seconds East 1,244.89 feet along the West line of said Northwest Quarter to the Place of Beginning, containing 40.208 acres, more or less.

EXCEPTING OUT:

A part of the Northwest Quarter of Section 26, Township 19 North, Range 3 East, in Washington Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Northwest Quarter of said Section 26; thence North 00 degrees 10 minutes 36 seconds East (assumed bearing) a distance of 1,39.71 feet along the West line of said Northwest Quarter to the Northwest corner of the 40.011 acre parcel owned by Osborne Trails Developer, LLC as recorded Instrument No. 2017-025934 in the office of the Recorder of Hamilton County, Indiana and the POINT OF BEGINNING of this description; thence North 00 degrees 10 minutes 36 seconds East along said West line, a distance of 11.60 feet; thence North 89 degrees 37 minutes 54 seconds East a distance of 198.78 feet to the point of curvature of curve concave southerly, the radius point of said curve being South 00 degrees 22 minutes 06 seconds East a distance of 860.00 feet from said point; thence easterly along said curve 456.58 feet to the point on said curve, said point being North 30 degrees 03 minutes 02 seconds East a distance of 860.00 feet from the radius point of said curve and being on the North line of said 40.011 acre parcel; thence the next three (3) courses are along the boundary of said 40.011 acre parcel: (1) South 89 degrees 45 minutes 23 seconds West a distance of 285.39 feet; (2) North 62 degrees 57 minutes 15 seconds West a distance of 227.55 feet; (3) North 89 degrees 49 minutes 24 seconds West a distance of 146.95 feet to the West line of said Northwest Quarter and the place of beginning, containing 0.735 acres, more or less.

Parcel 2:

A part of the Northwest Quarter of Section 26, Township 19 North, Range 3 East, Washington Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Northwest Quarter of said Section 26; thence North 89 degrees 46 minutes 30 seconds East (assumed bearing) 1,323.57 feet along the South line of said Northwest Quarter to the Southeast corner of the West Half of said Northwest Quarter; thence North 00 degrees 10 minutes 08 seconds East 1,382.07 feet along the East line of the West Half of said Northwest Quarter to the Northeast corner of the 40.011 acre parcel described in Instrument No. 2017-025934 as recorded in the Office of the Recorder of Hamilton County, Indiana; thence North 89 degrees 49 minutes 52 seconds West 60.00 feet along the North line of said 40.011 acre parcel to the POINT OF BEGINNING of this description; thence South 00 degrees 10 minutes 08 seconds West 269.68 feet to the point of curvature of a curve concave Westerly, the radius point of said curve being North 89 degree 49 minutes 52 seconds West 450.00 feet from said point; thence Southerly along said curve 249.15 feet to the point of tangency of said curve, said point being South 58 degrees 06 minutes 32 seconds East 450.00 feet from the radius point of said curve; thence South 31 degrees 53 minutes 28 seconds West 20.07 feet; thence South 34 degrees 35 minutes 09 seconds West 93.94 feet; thence South 89 degrees 46 minutes 30 seconds West 58.43 feet; thence North 54 degrees 13 minutes 53 seconds West 65.05 feet to a point on a non-tangent curve concave Southwesterly, the radius point of said curve being South 71 degrees 24 minutes 32 seconds West 860.00 feet from said point; thence Northwesterly along said curve 620.78 feet to a point on said curve, said point being North 30 degrees 03 minutes 02 seconds East 860.00 feet from the radius point of said curve; thence North 89 degrees 45 minutes 23 seconds East 616.21 feet; thence North 01 degrees 49 minutes 40 seconds East 89.90 feet; thence South 89 degrees 49 minutes 52 seconds East 9.25 feet to the place of beginning, containing 4.076 acres, more or less.

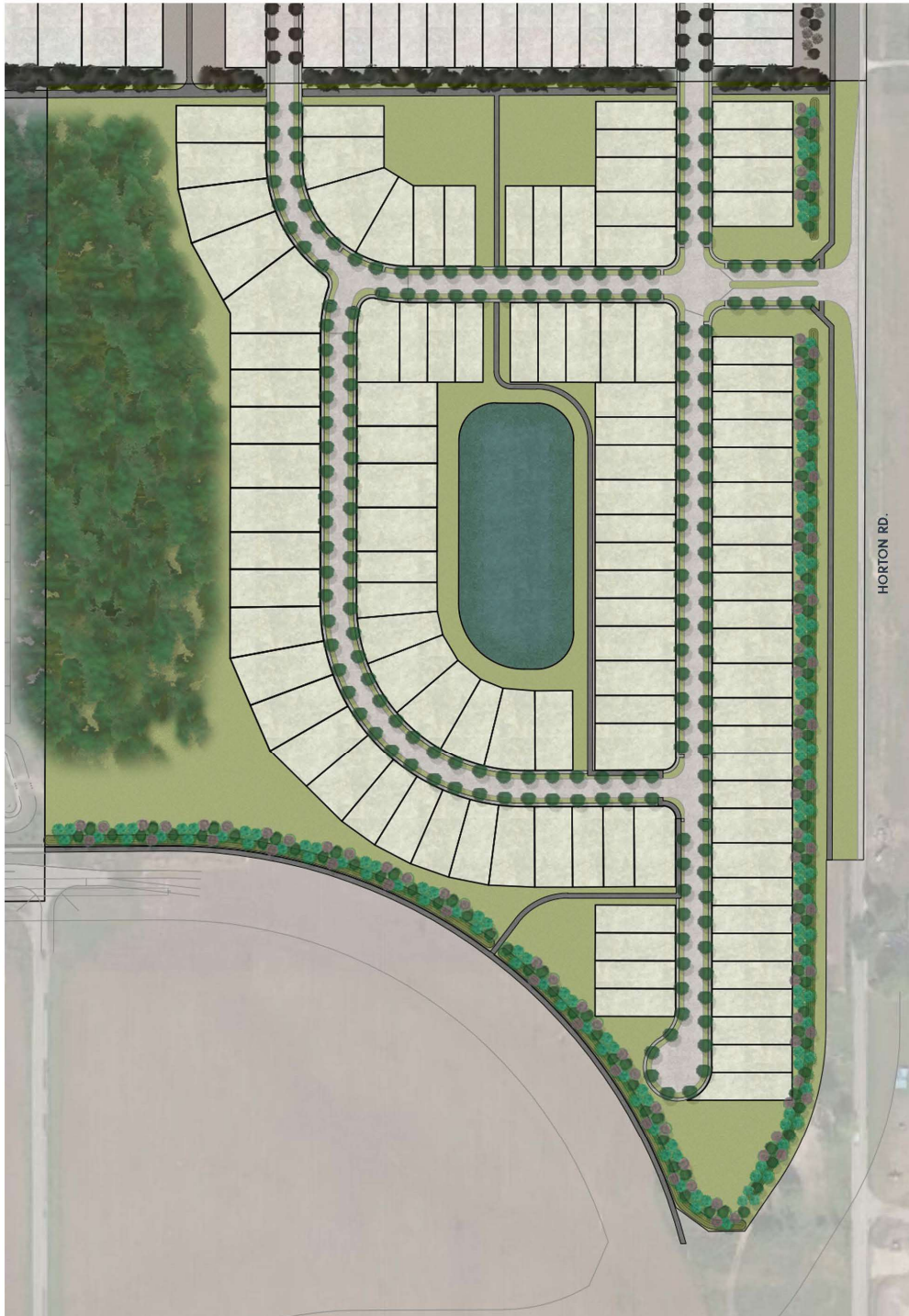
EXHIBIT A
REAL ESTATE

(Page 2 of 2 - Location Map)



EXHIBIT B

Concept Plan



Note: Larger scale paper and digital copies of the Concept Plan are on file with the Department of Economic and Community Development under Docket Number 22 __-PUD-__.

EXHIBIT C

SINGLE FAMILY DWELLING CHARACTER EXHIBIT



EXHIBIT C

SINGLE FAMILY DWELLING CHARACTER EXHIBIT

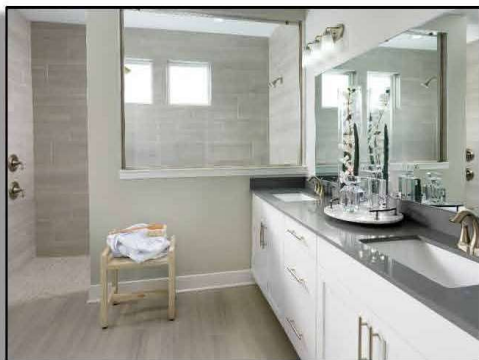


EXHIBIT C

SINGLE FAMILY DWELLING CHARACTER EXHIBIT

